

REMARKS

Claims 1 through 22 are pending in the application.

Claims 9 through 11, 21 and 22 are allowed.

Claims 7, 8 and 17 through 19 are objected to as being dependent upon a rejected base claim.

Claims 1 through 6, 12 through 16 and 20 are rejected.

Claim 1 has been amended to remove a stray comma.

Claim Rejections under 35 U.S.C. § 102

Examiner has rejected claims 1, 2, 6 12, 13 and 20 under 35 U.S.C. § 102(b) as being anticipated by USPN 6,322,262 (Trosterud). Applicant respectfully traverses the rejection and requests reconsideration.

Criteria for a Rejection under 35 U.S.C. § 102

The criteria for a rejection under 35 U.S.C. § 102(b) has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Examiner has failed to show that each and every element set forth in the claims is found either expressly or inherently in Trosterud. Based on this, Applicant is traversing the rejections of the claims.

Below, Applicant points out subject matter within each rejected independent claim that is not disclosed by Trosterud. On the basis of this, Applicant believes all the claims are patentable over Trosterud.

Discussion of Independent Claim 1

Claim 1 sets out a publication delivery system. A printing mechanism prints copies of a publication before copies are requested by potential customers so that after a copy of the printed publication is requested by a customer, the customer can receive the copy of the printed publication without having to wait for the printing mechanism to print the copy of the publication. This is not disclosed or suggested by the Trosterud.

In Trosterud a customer pays first. Then the customer chooses a desired variant of the publication. After the choice has been made, the printing process starts. See Trosterud at column 5, lines 42 through 48. Thus in Trosterud, a publication is printed only after the publication has been paid for and chosen by a customer.

Examiner has cited column 5, lines 16 through 55 of Trosterud as disclosing that a customer can receive a copy of a printed publication without having to wait for the printing mechanism to print the copy of the publication. This is incorrect. Trosterud specifically discloses that printing does not start until after a customer has paid for and chosen a publication. See Trosterud at column 5, lines 42 through 48. Thus at column 5, lines 16 through 55, Trosterud

discloses that a customer has to wait for a printing mechanism to print a copy of the publication before the customer can receive the copy of the publication.

The publication delivery system set out in claim 1 also includes a response system that monitors activity level around a physical location of the publication delivery system in order to detect proximity of potential customers. Timing and number of copies of the publication printed by the printing mechanism are based on the activity level detected by the response system. An increased detected activity level results in an increased number of copies of the publication being printed. This is not disclosed or suggested by the Trosterud.

In Trosterud, a customer first pays. Then the customer chooses a desired variant of the publication. After the choice has been made, the printing process starts. See Trosterud at column 5, lines 42 through 48. Thus, in Trosterud, a publication is printed only after the publication has been purchased by a customer. Trosterud does not utilize a response system that monitors activity level around a physical location of the publication delivery system in order to detect proximity of potential customers. In Trosterud, timing and number of copies of the publication printed by the printing mechanism are not based on the activity level detected by the response system, but on payment and choices made by a customer using push buttons on the front 2 of the machine. See Trosterud at column 5, lines 42 through 48.

Examiner has suggested that a response system is disclosed by Trosterud at column 4, lines 39 through 51 and column 5, lines 56 through 65. This is incorrect.

At column 4, lines 39 through 51, Trosterud discusses advertisements printed along with the publications. When printing a publication (after paid for and chosen by a customer), advertisements are included in the publication. The number of times an advertisement is included in a printed publication paid for and printed out for a customer is tracked. After being printed a predetermined number of times, the advertisement can be replaced by another advertisement.

At column 5, lines 56 through 65, Trosterud discloses that the number of copies printed is registered. That is, each time a customer purchases a publication and the publication is printed, the vending machine keeps track of the printing.

Trosterud at column 4, lines 39 through 51 and column 5, lines 56 through 65 does not disclose or suggest a response system that monitors activity level around a physical location of a publication delivery system in order to detect proximity of potential customers. Trosterud at column 4, lines 39 through 51 and column 5, lines 56 through 65 does not disclose or suggest timing and number of copies of a publication printed by a printing mechanism are based on the activity level detected by a response system. Trosterud at column 4, lines 39 through 51 and column 5, lines 56 through 65 does not disclose or suggest that increased

detected activity level results in an increased number of copies of a publication being printed.

Discussion of Independent Claim 12

Claim 12 sets out a method for distributing a publication by an automated publication delivery system. Activity level around a physical location of the publication delivery system is monitored in order to detect proximity of potential customers. This is not disclosed or suggested by Trosterud.

Examiner has suggested that monitoring activity level around a physical location of the publication delivery system in order to detect proximity of potential customers is disclosed by Trosterud at column 4, lines 39 through 51 and column 5, lines 56 through 65. This is incorrect.

At column 4, lines 39 through 51, Trosterud discusses advertisements printed along with the publications. When printing a publication (after paid for and chosen by a customer), advertisements are included in the publication. The number of times an advertisement is included in a printed publication paid for and printed out for a customer is tracked. After being printed a predetermined number of times, the advertisement can be replaced by another advertisement.

At column 5, lines 56 through 65, Trosterud discloses that the number of copies printed is registered. That is, each time a customer purchases a publication and the publication is printed, the vending machine keeps track of the printing.

Trosterud at column 4, lines 39 through 51 and column 5, lines 56 through 65 does not disclose or suggest monitoring activity level around a physical location of the publication delivery system in order to detect proximity of potential customers.

Claim 12 also sets out that in response to detection of an increased activity level around the physical location of the automated publication delivery system, additional copies of the publication are printed for distribution so that copies are already printed before being ordered by customers so that after a copy of the printed publication is ordered by a customer, the customer can receive the copy of the printed publication without having to wait for the printing mechanism to print the copy of the publication. This is not disclosed or suggested by the Trosterud.

Examiner has suggested this is disclosed by Trosterud at column 5, lines 16 through 55. This is incorrect.

In Trosterud, a customer pays first. Then the customer chooses a desired variant of the publication. After the choice has been made, the printing process starts. See Trosterud at column 5, lines 42 through 48. Thus in Trosterud, a publication is printed only after the publication has been purchased by a customer.

Discussion of Claim Rejections under 35 U.S.C. § 103

Examiner has rejected claims 3 through 5 and 14 through 16 under 35 U.S.C. § 103(a) as being unpatentable over Trosterud in view of 5,305,197 (Axler). Applicant respectfully traverses the rejection and requests reconsideration.

Claims 3 through 5 and 14 through 16 are dependent on allowable independent claims 1 and 12. As discussed above, these claims are not disclosed or suggested by Trosterud.

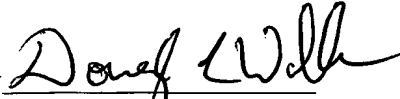
Axler does not disclose or suggest the limitations within independent claims 1 and 12 lacking from Trosterud. For example, in Axler, a consumer selects a particular displayed coupon through the keypad. That coupon is then printed by the printer. See Axler at column 7, lines 16 through 18. Axler does not disclose or suggest that a printing mechanism prints copies of a publication before copies are requested by potential customers so that after a copy of the printed publication is requested by a customer, the customer can receive the copy of the printed publication without having to wait for the printing mechanism to print the copy of the publication.

Conclusion

Applicant believes this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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